

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

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JOHN KELLEY, *et al.*,

Plaintiffs,

v.

XAVIER BECERRA, *et al.*,

Defendants.

Civil Action No. 4:20-cv-00283-O

**DEFENDANTS' RESPONSE  
TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Defendants Xavier Becerra, in his official capacity as Secretary of Health and Human Services; Janet L. Yellen, in her official capacity as Secretary of the Treasury; Martin J. Walsh, in his official capacity as Secretary of Labor; and the United States, hereby respond to plaintiffs John Kelley, Joel Starnes, Gregory Scheideman, Zach Maxwell, Ashley Maxwell, Joel Miller, Kelley Orthodontics, and Braidwood Management Inc.'s motion for summary judgment. Pursuant to local civil rule 56.4(b), the matters required by local civil rule 56.4(a) are set forth in the accompanying brief. For the reasons discussed therein, Defendants request that Plaintiffs' motion be denied.

Respectfully submitted,

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**Certificate of Service**

On January 28, 2022, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties who have appeared in the case electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Christopher M. Lynch  
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